

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re New York City Policing During Summer
2020 Demonstrations

This document relates to all cases

1:20-cv-08924 (CM) (GG)

[PROPOSED] ORDER

IT IS HEREBY ORDERED that:

1) Defendants shall finish providing the information that they promised to the *Sow* Plaintiffs at the July 12, 2022 meet and confer or in the conferral process thereafter, as follows:

- (a) As to *Sow* Document Request No. 15, Defendants will (1) state whether there were documents that had not been collected that must be collected and (2) shall produce those documents, by September 23, 2022, and a privilege log, if necessary, by September 28, 2022;
- (b) As to *Sow* Document Request Nos. 6, 7, 18, 20, 31, and 32, outstanding documents, if any, on a rolling basis, by October 21, 2022, and a privilege log, if necessary, by October 25, 2022;
- (c) As to *Sow* Document Request No. 30, Defendants will (1) state whether there were documents that had not been collected that must be collected; (2) whether they are asserting a burden objection, and if so, shall specifically describe the burden, including the number of hours projected to search for any documents; and (3) shall provide a final date for production of those documents, by September 23, 2022, and a privilege log, if necessary, by September 28, 2022;

- (d) As to *Sow* Interrogatories 21, 22, and 23, Defendants will state all efforts they have made to determine the identities of the Doe Officers at issue, by September 23, 2022;
- (e) Defendants will amend their answer to *Sow* Interrogatory No. 1, by September 30, 2022;
- (f) Defendants will supplement their answer to *Sow* Interrogatory No. 2, with additional volume numbers, by September 23, 2022;
- (g) Defendants will amend their answer to *Sow* Interrogatory No. 2 to provide “the information it seeks about dispersal orders and paths of egress”, if any, by September 30, 2022 (Dkt. No. 663 ¶ 6); and
- (h) Defendants will amend their answer to *Sow* Interrogatory No. 3 to provide the identities of each individual and/or officer who placed each Named Plaintiff in handcuffs and/or flex cuffs, to the extent that information is available, or otherwise state that the information is not available and set out what diligent efforts they have made, by October 21, 2022.

2) To the extent Defendants seek an extension of these deadlines, Defendants shall submit a declaration or declarations from a person or persons with personal knowledge of (1) the searches that have been conducted to date and (2) the remaining tasks to be done.

3) If Defendants produce documents responsive to these *Sow* DRIs specified above in less than 24 hours prior to the deposition of a deponent to whose testimony Plaintiffs reasonably believe the documents are relevant, Plaintiffs will advise the City within one week of the production of the documents at issue about a second sitting of the deposition. Disputes and any second deposition will proceed as follows:

- a) If the City agrees with Plaintiffs' good faith reason(s), the City will re-produce that deponent for a very limited amount of time and pay for the second sitting of the deposition.
- b) If the City disagrees, Plaintiff may raise the issue with the Court, and in determining whether Plaintiffs are entitled to the sitting of the deposition, the Court will evaluate whether asking the despondent about those documents would be reasonably likely to produce valuable information as well as whether the deponent is uniquely positioned to speak to the particular document.
- c) The second sitting of the deposition will be limited to the content of the documents not produced before the first sitting of the deposition, and to examination of these documents not produced before the deposition, along with any reasonable follow up questioning that emerges from those lines of inquiry about these documents.

SO ORDERED:

Hon. Gabriel W. Gorenstein
United States Magistrate Judge